

1-1 By: Wu (Senate Sponsor - Huffman) H.B. No. 3259
1-2 (In the Senate - Received from the House April 22, 2013;
1-3 April 24, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 20, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 20, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	West	X		
1-10	Rodriguez	X		
1-11	Campbell	X		
1-12	Carona	X		
1-13	Garcia	X		
1-14	Hancock	X		
1-15	Paxton	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 3259 By: Campbell

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the ownership of and access to certain investigation
1-20 records in child abuse and neglect cases.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 264.0145(a), Family Code, is amended to
1-23 read as follows:

1-24 (a) In this section, "case record" means those files,
1-25 reports, records, communications, audio recordings, video
1-26 recordings [~~audiotapes, videotapes~~], or working papers under the
1-27 custody and control of the department that are collected,
1-28 developed, or used:

1-29 (1) in a child abuse or neglect investigation; or

1-30 (2) in providing services as a result of an
1-31 investigation, including substitute care services for a child.

1-32 SECTION 2. Sections 264.408(d), (d-1), and (e), Family
1-33 Code, are amended to read as follows:

1-34 (d) A video recording of an [~~videotaped~~] interview of a
1-35 child that is made at a center is the property of the prosecuting
1-36 attorney involved in the criminal prosecution of the case involving
1-37 the child. If no criminal prosecution occurs, the video recording
1-38 [~~videotaped interview~~] is the property of the attorney involved in
1-39 representing the department in a civil action alleging child abuse
1-40 or neglect. If the matter involving the child is not prosecuted,
1-41 the video recording [~~videotape~~] is the property of the department
1-42 if the matter is an investigation by the department of abuse or
1-43 neglect. If the department is not investigating or has not
1-44 investigated the matter, the video recording [~~videotape~~] is the
1-45 property of the agency that referred the matter to the center. If
1-46 the center employs a custodian of records for video recordings of
1-47 [~~videotaped~~] interviews of children, the center is responsible for
1-48 the custody of the video recording [~~videotape~~]. A video recording
1-49 of an [~~videotaped~~] interview may be shared with other agencies
1-50 under a written agreement.

1-51 (d-1) A video recording of an [~~videotaped~~] interview
1-52 described by Subsection (d) is subject to production under Article
1-53 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of
1-54 Evidence. A court shall deny any request by a defendant to copy,
1-55 photograph, duplicate, or otherwise reproduce a video recording
1-56 [~~videotape~~] of an interview described by Subsection (d), provided
1-57 that the prosecuting attorney makes the video recording [~~videotape~~]
1-58 reasonably available to the defendant in the same manner as
1-59 property or material may be made available to defendants,
1-60 attorneys, and expert witnesses under Article 39.15(d), Code of

2-1 Criminal Procedure.

2-2 (e) The department shall be allowed access to a center's
2-3 video recordings of [videotaped] interviews of children.

2-4 SECTION 3. This Act takes effect September 1, 2013.

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